## Table of Contents

Article Section 2 - Page

2 USAGE AND DEFINITIONS ..... 1
2-A GENERAL USAGE ..... 1
2-B DEFINITIONS ..... 1
2-C DEFINITION DISPUTES ..... 6

# 2 USAGE AND DEFINITIONS

## 2-A GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

2-A-1 Words used in the present tense include the future tense and words in the singular number include the plural number or words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

2-A-2 The word "shall" is mandatory, and not directory.

2-A-3 Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

2-A-4 The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel."

2-A-5 The word "used" shall be deemed also to include "erected," "reconstructed," "altered," "placed," or "moved."

2-A-6 The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building."

2-A-7 The word "State" means the Commonwealth of Virginia.

2-A-8 The word "County" means the County of Clarke, Commonwealth of Virginia, and the term "county boundary" means any exterior boundary of the County or any boundary of unincorporated territory within the County.

2-A-9 The word "approve" shall be considered to be followed by the words "or disapprove."

2-A-10 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

2-A-11 Reference to "Code of Virginia" or to this Ordinance shall include "as amended."

2-A-12 The word "adjacent" means "nearby" and not necessarily "contiguous," unless the obvious construction of the wording indicates otherwise.

## 2-B DEFINITIONS

(10/21/14) ADMINISTRATIVE LAND DIVISION: A division of land into two or more parcels with each being a minimum of 100 acres. Such divisions shall not be considered a major or minor subdivision and shall be acted upon administratively by the Zoning Administrator.

ADVERSE DRAINAGE CONDITION: The absence of drainage facilities or drainage easements leading to, along or through a highway or drainage structure, either within or exterior to a proposed subdivision including: Facilities of such location, size, design, construction, or condition as will not provide adequately for storm drainage; or which will cause either flooding, erosion, silting or other damaging effect to a highway or drainage structure; or threatens to damage private property within or without the proposed subdivision as a result of storm drainage from, along, or through a highway or drainage structure.

ALLEY: A permanent service way providing a secondary means of access to abutting properties.

BLOCK: An area enclosed by an adjacent, and usually by intersecting, streets.

BOARD: The Board of Supervisors of Clarke County, Virginia.

BOUNDARY LINE ADJUSTMENT: The relocation of one or more boundary lines between parcels of land, resulting in the same number of parcels of land as before the Boundary Line Adjustment.

BUILDING SETBACK LINE: A line showing the minimum distance by which any structure (exclusive of signs) must be separated from the front lot line of a lot.

COMMISSION: The Planning Commission of Clarke County, Virginia.

COUNTY: Clarke County, Virginia.

COVENANT: A written agreement or promise between two or more parties, especially for the performance of some action.

CUL-DE-SAC: A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

DEDICATION FOR ROAD PURPOSES: An easement for the purpose of construction, reconstruction, widening or improving a road, including the repair and maintenance of the road and the construction, reconstruction, or alteration of facilities related to the safety, convenience or carrying capacity of the road including drainage facilities and traffic control devices.

DEVELOPER: An owner of property being subdivided, whether or not represented by an agent.

DEVELOPMENT: The process of erecting or causing to be erected buildings or structures on a lot, or the physical preparation of a lot for the purpose of such erection.

DRAINAGE EASEMENT OR DRAINAGE RIGHT-OF-WAY: Assignable rights-of-way across land to provide for the alignment and maintenance of drainage course, installation of drainage facilities, enlargement of existing drainage ways or for similar or related storm drainage purposes.

EASEMENT: A grant by a property owner of the use of, or non-use of, land for a specific purpose on a repeating or continuous basis.

ENGINEER: An engineer licensed by the Commonwealth of Virginia.

FLOOD, 100 YEAR: The highest level of flooding that, based upon an analysis of past floods, is likely to occur once in every one hundred (100) years.

FLOOD PLAIN: Sections of land, adjacent to bodies of water, which will be covered by floodwater in a 100-year flood.

GOVERNING BODY: The Board of Supervisors of Clarke County, Virginia.

HEALTH OFFICIAL: The Health Director or Sanitarian serving Clarke County, Virginia.

HIGHWAY ENGINEER: The Resident Engineer employed by the Virginia Department of Transportation.

IMPROVEMENT: Streets, sidewalks, curbs, gutters, water mains, drainage facilities, landscaping, recreational facilities and all other such betterment as may be required under the provisions of this Ordinance.

JURISDICTION: The area of territory subject to the legislative control of the governing body.

LOT: A numbered and recorded portion of a tract, division, or subdivision, intended for transfer of ownership or for development for a single building or accessory building.

LOT, CORNER: A lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line dividing one lot from another or from a street or other public place.

LOT OF RECORD: A lot, which has been recorded in the Office of the Clerk of the appropriate Court.

(10/21/14) LOT, RESIDUAL (or RESIDUAL PARCEL): The portion of a lot of record that remains after the creation of a new lot or lots.

LOT, WIDTH OF: The mean horizontal distance between the side lot lines

(11/20/12) MERGER: The elimination of one or more boundary lines between parcels of land, resulting in a single parcel of land.

PERCOLATION TEST OR SOIL BORINGS: Field test conducted and used in judging the suitability of soil for on-site, sub-surface sewer and seepage systems.

PLAN: The map or plat illustrating or describing a subdivision or land development.

PLAN, EXPLORATORY SKETCH: An informal plan indicating salient existing features of a tract and its surroundings and including the general layout of a proposed subdivision or land development.

PLAT: Includes the terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PLAT, PRELIMINARY: A map of a proposed land subdivision showing the character and proposed layout of the tract in conformance with the regulations set forth in this Ordinance to indicate the suitability of the proposed subdivision of land.

PLAT, RECORD: A final map of all or a portion of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and shall be in a form suitable for recording.

(7/17/07) PRIVATE ACCESS EASEMENT: A perpetual easement, not a part of any public road system, which provides access on a continuing basis to any lot or parcel.

PROPERTY: Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

RESIDENT ENGINEER: The Resident Engineer of the Virginia Department of Transportation assigned to Clarke County, or his designee.

RESUBDIVIDE: To make any change in any dimension of any lot as shown on an approved record plat except in the case of a plat recorded for the purpose of a security release to a lending agency.

ROAD: See Street.

STREET: The principal means of public access to any lot in a subdivision. The term street shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare for a similar purpose, but shall not include any private access easement. All streets shall be constructed to requirements and specifications of the Virginia Department of Transportation for acceptance into the State Road System.

STREET OR ALLEY, PUBLIC USE OF: The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

STREET, MAJOR: Any existing or future heavily traveled thoroughfare, street, or highway that carries a large volume of through traffic, or anticipated traffic exceeding 500 vehicles per day; any existing State Secondary Road.

STREET, MINOR: A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

STREET, SERVICE ROAD OR DRIVE: A public right-of-way generally parallel and contiguous to a major highway primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET WIDTH: The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

(2/16/01) SUBDIVIDE: To divide any tract, parcel, or lot of land into two or more parts, with the following exceptions:

a. Boundary Line Adjustments (see Special Regulations, Article 10-D).

(6/21/05) b. The use of one of the parcels will be public utility uses and not more than two parcels would result from the division of land.

(6/13/89)
(2/20/90)
(7/20/93)
(6/21/05) c. All persons proposing to divide and/or merge land who contend such division is exempted from the provisions of this Ordinance under subsections (a) or (b), above, shall submit to the Zoning Administrator a plat of the proposed division, or other documents, plats, or evidence satisfactory to the Zoning Administrator, and if in the opinion of the Zoning Administrator the division is accepted, he shall so certify on said plat or on the deed of conveyance by which the property is to be divided. The Zoning Administrator's certificate shall state that the division is accepted under (a) or (b), above, and shall be signed by the Zoning Administrator. No person shall record a plat or conveyance for the division of land without complying with the provisions of this Ordinance or without the Zoning Administrator's certificate as aforesaid.

(10/21/14) d. Administrative Land Divisions

SUBDIVIDER: Any person, persons, firm, corporation, partnership, or other entity, and the agent or agents thereof, subdividing or proposing to subdivide land as herein defined.

(6/21/05) SUBDIVISION: The act or process of subdividing as herein defined.

(9/18/90) SUBDIVISION, MAJOR: A subdivision meeting any of the following conditions:
(6/21/05)

a. Three or more lots are proposed, at least three of which are less than 100 acres.
b. A lot will be used for commercial or industrial purposes.
c. A right of way in the subdivision will be proposed for acceptance into the

Virginia Department of Transportation's road system.

d. Public water or public sewerage are proposed to serve any lot.
e. Homeowners association to be created for this subdivision.

(9/18/90) SUBDIVISION, MINOR: A subdivision containing one or two lots that are:

a. each less than 100 acres, and
b. meets none of the conditions for major subdivisions.

SUBSTANDARD DIVISIONS: A division of land not in conformity with this Ordinance may be re-subdivided and redeveloped in whole or in part; but only under the provisions of this Ordinance.

TRACT: A parcel of land for which there exists a separate parcel designation on the Clarke County Real Property Identification Map as of October 17, 1980. Parcels which have been divided by a public road, which is maintained by the Virginia Department of Transportation shall be considered as separate tracts, even though such tracts may be assigned one parcel designation as set forth herein.

ZONING ADMINISTRATOR: The representative of the governing body who has been appointed to serve as the agent of the governing body in accordance with the requirements of this Ordinance.

## 2-C DEFINITION DISPUTES

In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance as set forth in Article 1; provided, however, that an appeal may be taken from any such determination as provided in Section 12-B.